

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DANIEL KESTER,

No. 6:12-cv-01056-HU

Petitioner,

ORDER

v.

JEFF PREMO, Superintendent,  
Oregon State Penitentiary,

Respondent.

Kristina S. Hellman  
Federal Public Defender's Office  
101 SW Main Street, Suite 1700  
Portland, OR 97204

Attorney for Petitioner

Kristen E. Boyd  
State of Oregon  
Department of Justice  
1162 Court Street, NE  
Salem, OR 97301

Attorney for Respondent

HERNÁNDEZ, District Judge:

Magistrate Judge Hubel issued a Findings and Recommendation [39] on June 19, 2014, in which he recommends that the Court deny Petitioner's amended habeas petition [23].

Petitioner timely filed objections to the Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).


I have carefully considered Petitioner's objections and conclude that the objections do not provide a basis to modify the recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's Findings and Recommendation.

#### CONCLUSION

The Court adopts Magistrate Judge Hubel's Findings and Recommendation [39]. Therefore, Petitioner's amended habeas petition [23] is denied.

IT IS SO ORDERED.

DATED this 28 day of July, 2014.

  
MARCO A. HERNÁNDEZ  
United States District Judge